

noncompliance is also subject to the civil penalty. The action may be brought by the board in any court of competent jurisdiction in the county where the offending activity is occurring or where the defendant resides. Full authority is also given the executive director to enforce by injunction, mandatory injunction or other appropriate remedy, in courts having jurisdiction in the county where the offending activity is occurring, the provisions of this Act. At the request of the board or the executive director, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both the injunctive relief and civil penalty, authorized in this section. Any party to a suit may appeal from a final judgment as in other civil cases. The obtaining of a license under the provisions of this Act by a person shall not act to relieve that person from liability under any statutory law or the Common Law."

SECTION 6. Section 14, Chapter 264, Acts of the 59th Legislature, Regular Session, 1965 (Article 7621e, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 14. **PLUGGING OF WATER WELLS.** (a) It shall be the duty of each driller licensed under this Act to *complete a well under standards and procedures adopted by the department* ~~inform forthwith the landowner or person having a well drilled when water injurious to vegetation, to land or to fresh water has been encountered and such well must be plugged or properly completed in order to avoid injury or pollution~~.

"(b) It shall be the duty of each driller licensed under this Act to give notice to the landowner or person having a well drilled when the driller encounters water injurious to vegetation, to land, or to fresh water, and the well must be plugged or properly completed in order to avoid injury or pollution. The ~~the~~ driller shall assure ~~to see~~ that the ~~such a~~ well is ~~forthwith~~ plugged or completed under standards and procedures adopted ~~promulgated~~ by the department.

"(c) It shall be the duty of whoever shall plug such a well to complete a plugging report within thirty (30) days and submit it to the executive director; appropriate forms shall be furnished by the executive director upon request."

SECTION 7. (a) This Act takes effect September 1, 1985.

(b) Sections 3 and 4 of this Act apply only to penalties for violations of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965 (Article 7621e, Vernon's Texas Civil Statutes), that occur on or after September 1, 1985.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 11, 1985

Effective: September 1, 1985

CHAPTER 438

S.B. No. 1253

An Act relating to the boundaries, the composition, election, qualifications, and term of office of the board of directors and to the limitation on the amount of property taxes of the Evergreen Underground Water Conservation District; amending Chapter 197, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8280-297, Vernon's Texas Civil Statutes), by amending Sections 4, 6, 7, and 10 and Subsection (b) of Section 21 and by adding Section 37A.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 4, 6, 7, and 10, Chapter 197, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8280-297, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 4. **AREA OF DISTRICT.** The District shall comprise all of the territory contained within Wilson and Atascosa counties and *any other county located over the Carrizo-Wilcox Aquifer that is added to the District under Section 37A* ~~for all practical purposes the boundaries of said counties are coterminous with the boundaries of a subdivision of an~~

underground water reservoir heretofore designated by the Board of Water Engineers, except area under which there is either no underground water or no underground water that can be brought to the surface at a cost that makes bringing it to the surface economically feasible, which the Board excludes under Section 36] of this Act."

"Section 6. COMPOSITION AND TERMS OF OFFICE. (a) The Board consists of ~~two~~ ~~[five]~~ directors from each county in the District and one director appointed by the Governor.

"(b) ~~The [Four of the]~~ directors from each county are elected at elections provided for in Section 10 of this Act. ~~Elected directors serve staggered four-year terms [; the fifth director is appointed by the Governor. A director serves a two-year term].~~ The term of the appointed director expires on February 1 of alternating ~~[each]~~ odd-numbered years ~~[year]~~.

"(c) ~~[If a Constitutional Amendment is adopted authorizing directors of conservation and reclamation districts to serve six-year terms, Subsection (b) of this Section is repealed on the day of the first election to elect directors held under this Act after the Constitutional Amendment becomes effective, and the directors serve six-year terms. At that election, one director from Atascosa County and one from Wilson County are elected for two-year terms; one from Atascosa County and one from Wilson County for four-year terms; and one from Atascosa County for a six-year term. The Board shall conduct biennial elections after that election, at which directors are elected to replace retiring directors, for six-year terms. The director who succeeds the director from Atascosa County with a six-year term shall be from Wilson County, and that position shall thereafter alternate between Wilson and Atascosa Counties.]~~

"~~[(d)]~~ If a position on the Board becomes vacant, a majority of the remaining directors shall appoint another person from the county of residence of the retiring director to fill the vacated position until the next regular election of directors for the District. ~~If that position is not scheduled to be filled at that election, the person elected to fill the position shall serve only for the remainder of the unexpired term [for the unexpired term].~~

"(d) ~~[(e)]~~ A director serves until his successor is elected or appointed and has qualified.

"Section 7. QUALIFICATION OF DIRECTORS. (a) A person is qualified to serve on the Board in an elected position if the person: ~~[who is elected or appointed to that position, and who]~~

"(1) is at least 21 years of age;

"(2) is a qualified voter of ~~[owns real property in]~~ the District; and

"(3) is a resident of the county represented by the position ~~[Atascosa or Wilson County]~~.

"(b) A person is qualified to serve as the appointed member of the Board if the person is:

"(1) at least 21 years of age; and

"(2) a qualified voter of the District."

"Section 10. ELECTIONS. (a) The Board shall call an election to elect one director to the Board from each county in the District ~~[to elect directors to the Board]~~ on the third Saturday ~~[second Tuesday]~~ in January of each odd-numbered year. ~~[The first election to elect directors under this Act is to be held on January 10, 1967.]~~

"(b) The Board shall conduct an election held under this Act under the Texas Election Code ~~[General Laws of the state relating to elections]~~.

"(c) The Board shall prepare a ballot for each county with the names of the candidates for director in that county. At the election, each qualified voter of a county is entitled to vote for one person to represent that county as a director ~~[who reside in Atascosa County and a ballot with the names of the candidates who reside in Wilson County. Voters in Atascosa County vote for residents of Atascosa County; voters in Wilson County vote for residents of Wilson County]~~.

"(d) The candidate in each county ~~[two persons]~~ with the highest number of votes is ~~[who are residents of Atascosa County and the two persons with the highest number of votes who are residents of Wilson County are]~~ elected as the director for the county.

"(e) The Board shall pay for the cost of the elections with money of the District."

SECTION 2. Subsection (b), Section 21, Chapter 197, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-297, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The Board may not levy or collect property taxes at a rate greater than ~~three~~ ~~[35]~~ cents on the One Hundred Dollar valuation."

SECTION 3. Chapter 197, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-297, Vernon's Texas Civil Statutes), is amended by adding Section 37A to read as follows:

"Section 37A. ADDITION OF CERTAIN TERRITORY. (a) Except as provided by this section, any county outside the District that is located over the Carrizo-Wilcox Aquifer may be added to the District in the manner provided by Sections 51.718 through 51.720 and Sections 51.722 through 51.724, Water Code.

"(b) After the hearing on the petition, if the Board finds that the addition of the county to the District would be of benefit to the District, the Board may adopt a resolution adding the county to the District.

"(c) If an election is called under Section 51.722, Water Code, the Board shall include on the ballot for the county to be added to the District the names of persons who have filed as candidates for election as the two directors from the added county on the Board. Each voter in the county to be added is entitled to vote for two candidates for director.

"(d) A person who desires to have his name printed on the ballot as a candidate for director shall file a petition with the Board before the 30th day preceding the date of the election.

"(e) If at the election the addition of the county to the District is approved, the Board shall declare the two candidates who received the highest number of votes for election as directors of the District. At the first meeting of the Board after the two directors have qualified, the two directors shall draw lots to determine which director will serve until directors elected at the next regular directors' election take office and which director will serve until directors elected at the regular directors' election following the next regular directors' election take office. Successors to directors elected under this section shall serve four-year terms."

SECTION 4. (a) Not later than October 31, 1985, the board of directors of the Evergreen Underground Water Conservation District shall call and hold a special directors' election to elect two directors to represent Wilson County and two directors to represent Atascosa County on the board. At the first board meeting following this election, the two directors elected from each county shall draw lots to determine which director from each county shall serve until the directors elected at the next regular directors' election take office and which director from each county shall serve until the regular directors elected at the directors' election following the next regular directors' election take office.

(b) The terms of office of the directors who are serving on the effective date of this Act expire on the day on which the first meeting of the board is held following the election held under Subsection (a) of this section.

(c) The election under Subsection (a) of this section shall be called and held in the manner provided for and under the laws governing regular directors' elections in the Evergreen Underground Water Conservation District.

(d) Successors to directors elected under this section shall serve four-year terms.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 18, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 11, 1985

Effective: Immediately

CHAPTER 439

S.B. No. 1282

An Act relating to the issuance of bonds by certain cities to pay current expenses; providing for the levy of a tax to pay the principal of and interest thereon; containing other provisions pertaining to the subject, and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

SECTION 1. BONDS. (a) Except as provided by Section 4 of this Act, the governing body of an incorporated city that has suffered or is likely to suffer a loss during a fiscal year of the type specified by Subsection (b) of this section may provide for the payment of its current expenses for such fiscal year or a portion of such fiscal year by the issuance of bonds secured by and payable from ad valorem taxes.

(b) This section applies to a city that has lost or is likely to lose, because an entity which has received city funds has sought or acceded to protection under Title 11 of the United States Code, entitled "Bankruptcy," an amount that is: